

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-22965 – APPLICANT/OWNER: DEAN SMITH

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Variance to allow a 33-foot front yard setback where 50 feet is required for an existing attached garage on 0.5 acres at 4833 Nettie Avenue.

No topographical constraints exist on the subject site that precludes the project from adhering to Title 19.08 Residential Development Standards. Encroachment of the attached garage into the front yard setback is considered excessive and as such Staff recommendation is denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/05/07	A Building Plan Check (85492-R-07) was performed by Planning staff and determined that the existing detached accessory structure does not conform to Title 19 regulations with regard to structure height and square footage for an accessory structure (Non-habitable, Garage – Class II). The determination also identified the requirement for a Variance.
08/09/07	The Planning Commission recommended approval of companion item VAR-22167 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #34/ja).
<i>Related Building Permits/Business Licenses</i>	
02/08/06	Construction of a room addition, garage extension, and detached garage was identified as illegal by Building Department staff– Case No. 59386, Case Open, Building Permit Issued.
06/09/07	Building and Safety administratively approved a CMU screen wall – Case No. 85491, Case closed.
04/05/07	Building Plan Review of an existing bedroom (room addition) approved pending approval of the existing detached garage by Planning review and Development Coordination – Case Nos. 85492 and 85494, Case open.
<i>Pre-Application Meeting</i>	
05/11/07	A Pre-Application Meeting was held where Planning staff advised the applicant of Title 19.08 regulations governing the development of Accessory Structures and the Variance application requirements.
<i>Neighborhood Meeting</i>	
NA	

Field Check	
06/11/07	A site visit was conducted and the project parcel is a developed single family lot with a one-story house at the front with the subject garage at the rear of the lot. An approximate six foot tall screen wall and gates exist along the Westside side yard. The garage contains the same white and yellow color scheme as the primary dwelling and appears to be greater in height than the home. Surrounding uses include single family residential immediately north, south, east, and west of the subject parcel.
Details of Application Request	
Site Area	
Net Acres	0.54 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	R (Rural Density Residential)	R (Rural Density Residential)	R-E (Residence Estates)
North	R (Rural Density Residential)	R (Rural Density Residential)	R-E (Residence Estates)
South	R (Rural Density Residential)	R (Rural Density Residential)	R-E (Residence Estates)
East	R (Rural Density Residential)	R (Rural Density Residential)	R-E (Residence Estates)
West	R (Rural Density Residential)	R (Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 feet	23,394 feet	Y
Min. Lot Width	100 feet	120 feet	Y
Min. Setbacks			
• FRONT	50 feet	33 feet	N
• SIDE	10 feet	36 feet	Y
• REAR	35 feet	110 feet	Y
Min. Distance Between Buildings	NA	NA	NA
Max. Lot Coverage	NA	NA	NA
Max. Building Height	2 Stories or 35 feet	12 feet	Y
Trash Enclosure	NA	NA	NA
Mech. Equipment	Screened	Screened	Y

ANALYSIS

- **Zoning**

The project site is designated with the underlying R-E (Residence Estates) Zone. The purpose of the R-E (Residence Estates) District is to provide for low density residential units on large lots and convey a rural environment. The R-E zone is consistent with the General Plan land use designation of R (Rural Density Residential). The project site is a flat developed lot adjacent to existing single-family residential homes.

- **Site Plan**

The site plan depicts an existing one-story 1,484 square foot single family residential structure. The existing 800 square foot garage is attached to the primary dwelling and encroaches 17 feet into the required front yard setback. Title 19.08 Residential Development standards requires homes within the R-E zone to provide a 50 foot front yard setback. An existing driveway and additional parking lie on-site at the front and west of the existing home.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by expanding the existing garage that encroaches into the required front yard setback. An alternative design that reduces the square footage and observes the required setback would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

1

ASSEMBLY DISTRICT 14

SENATE DISTRICT 2

NOTICES MAILED 134 by City Clerk

APPROVALS 7

PROTESTS 0